



ATTORNEY DOCKET NO. 2003028-0049 (MIT 6834 / Ariad 022A PCT/USD1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pomerantz, et al. Examiner: Horlick
Serial No: 09/852,370 Art Unit: 1637
Filing Date: May 10, 2001
Title: CHIMERIC DNA-BINDING PROTEINS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION
(37 C.F.R. § 1.321(c))**

Identification of Person(s) Making This Disclaimer

I, Lita Nelsen, represent that I am:

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☒ a representative authorized to sign on behalf of the assignee identified below.
- ☐ the attorney of record for this invention.

The assignee is:

Name of assignee: Massachusetts Institute of Technology

Address of assignee: 77 Massachusetts Avenue, Cambridge, MA 02139

Title of disclaimant authorized to sign on behalf of assignee: Director, Technology
Licensing Office

- ☒ The assignments were recorded on: April 28, 1995
Reel/Frame: 7455/0664, 7455/0671 and 7455/0674
- ☐ Authorization for recordal of the assignment is separately attached.

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Establishing Right of Assignee to Take Action

- ☒ Attached is a Certificate under 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case.
- ☐ A Certificate under 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case was previously filed on:

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of:

- ☒ United States Patent No. 6,326,166, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number _____,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to:

- ☒ United States Patent No. 6,326,166, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of:

- ☒ United States Patent No. 6,326,166, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number _____,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

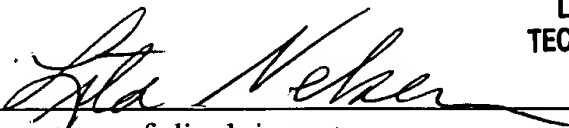
Fee Payment

- ☐ Large entity fee: \$110.00
- ☒ Small entity fee: \$55.00.
 - ☐ A verified statement is attached.
 - ☒ A verified statement was already filed on: May 10, 2001.
- ☒ Attached is a check in the sum of \$55.00.
- ☒ Charge Account 03-1721 for any fee deficiency.
- ☐ Charge Deposit Account _____ the sum of \$_____.

Declaration

As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

LITA L. NELSEN, DIRECTOR
TECHNOLOGY LICENSING OFFICE



Signature of disclaimant
Date: Oct 11, 04

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